

IAP6 Rec'd PCT/PTO 18 JAN 2006 *pc*

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**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number 10/530,775

Filing Date September 3, 2003

First Named Inventor Richard Anderson

Art Unit

Examiner Name

Attorney Docket Number ITP 10.A1 U.S.

ENCLOSURES (Check all that apply)

| | | |
|--|---|---|
| <input checked="" type="checkbox"/> Fee Transmittal Form | <input type="checkbox"/> Drawing(s) | <input type="checkbox"/> After Allowance Communication to TC |
| <input checked="" type="checkbox"/> Fee Attached | <input type="checkbox"/> Licensing-related Papers | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences |
| <input type="checkbox"/> Amendment/Reply | <input type="checkbox"/> Petition | <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) |
| <input type="checkbox"/> After Final | <input type="checkbox"/> Petition to Convert to a Provisional Application | <input type="checkbox"/> Proprietary Information |
| <input type="checkbox"/> Affidavits/declaration(s) | <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address | <input type="checkbox"/> Status Letter |
| <input type="checkbox"/> Extension of Time Request | <input type="checkbox"/> Terminal Disclaimer | <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): |
| <input type="checkbox"/> Express Abandonment Request | <input type="checkbox"/> Request for Refund | Additional claim fee in the amount of \$100; return receipt postcard |
| <input type="checkbox"/> Information Disclosure Statement | <input type="checkbox"/> CD, Number of CD(s) _____ | |
| <input type="checkbox"/> Certified Copy of Priority Document(s) | <input type="checkbox"/> Landscape Table on CD | |
| <input type="checkbox"/> Reply to Missing Parts/Incomplete Application | <input type="checkbox"/> Remarks | |
| <input checked="" type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53 | Signed Declaration, check in amount of \$65.00; \$100 additional claim fee | |

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

| | | |
|--------------|--------------------------|----------------|
| Firm Name | EMRICH & DITHMAR, L.L.C. | |
| Signature | <i>[Signature]</i> | |
| Printed name | HARRY M. LEVY | |
| Date | 1/12/06 | Reg. No. 24248 |

CERTIFICATE OF TRANSMISSION/MAILING

| | | |
|---|--------------------|--------------|
| I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below: | | |
| Signature | <i>[Signature]</i> | |
| Typed or printed name | Brenda Starks | Date 1/13/06 |

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-RTO-9199 and select option 2.

SECURITY

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Richard P. Anderson et al.
Serial No. : 10/530,775
I.A. Filing Date: September 3, 2003
I.A. Application No. PCT/US03/27651
Title : SYSTEM AND METHOD OF PRODUCING METALS AND ALLOYS
Date : January 12, 2006

**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS
UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE**

MAIL STOP MISSING PARTS

Director of Patents
U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Notification of Missing Requirements Under 35 U.S.C. 371 dated December 13, 2005, enclosed herewith is the signed Declaration and \$65.00 surcharge fee. Also enclosed is the additional claim fee in the amount of \$100.00.

The total additional fees required and submitted for this application is \$165.00 for a small entity.

Respectfully submitted,

EMRICH & DITHMAR, LLC.
Attorneys for Applicants

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Chicago, Illinois 60606
Telephone: (312) 663-9800
Facsimile: (312) 663-9822
Dated: 1/13/06

By 
Harry M. Levy, Reg. No. 24,248

CERTIFICATE OF MAILING

The undersigned states that this correspondence is being deposited with the U.S. postal service, postage prepaid and addressed to: Director of Patents, Mailstop Missing Parts, P.O. Box 1450, Alexandria, VA, this 13th day of January 2006.

Signed: 



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

| | | |
|-----------------------------|-----------------------|------------------|
| U.S. APPLICATION NUMBER NO. | FIRST NAMED APPLICANT | ATTY. DOCKET NO. |
| 10/530,775 | Richard Anderson | ITP 10.A1-U.S |

INTERNATIONAL APPLICATION NO.

PCT/US03/27651

I.A. FILING DATE

PRIORITY DATE

09/03/2003

10/07/2002

Harry M Levy
 Emrich & Dithmar
 125 So Wacker
 Suite 2080
 Chicago, IL 60606

CONFIRMATION NO. 4417

371 FORMALITIES LETTER



OC000000017582697

Date Mailed: 12/13/2005

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Indication of Small Entity Status
- Copy of the International Application filed on 04/07/2005
- Copy of the International Search Report filed on 04/07/2005
- Preliminary Amendments filed on 04/07/2005
- Oath or Declaration filed on 04/07/2005
- Request for Immediate Examination filed on 04/07/2005
- U.S. Basic National Fees filed on 04/07/2005
- Priority Documents filed on 04/07/2005
- Specification filed on 04/07/2005
- Claims filed on 04/07/2005
- Abstracts filed on 04/07/2005
- Drawings filed on 04/07/2005

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Additional claim fees of \$100 as a small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.
- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:

- is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.

- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fees required for this application is **\$165** for a Small Entity:

- **\$65** Surcharge.
- Total additional claim fee(s) for this application is **\$ 100**
 - **\$100** for **8** independent claims over 3.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

TAMALA D HOLLAND

Telephone: (703) 308-9140 EXT 209

PART 1 - ATTORNEY/APPLICANT COPY

| U.S. APPLICATION NUMBER NO. | INTERNATIONAL APPLICATION NO. | ATTY. DOCKET NO. |
|-----------------------------|-------------------------------|------------------|
| 10/530,775 | PCT/US03/27651 | ITP 10.A1-U.S |